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Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights and religious freedom in the Republic of the Union of Myanmar

The Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Council's attention to the domestic human rights and religious freedom situation in the Republic of the Union of Myanmar. In so doing, we welcome the recent reports of the UN Special Rapporteur on the Situation of Human Rights in Myanmar, applaud her excellent work and that of her predecessor, and condemn recent appalling attacks by U Wirathu and the Government of the Republic of the Union of Myanmar on her integrity and good name.

Despite calls for change, severe violations of human rights persist in the country, particularly in ethnic areas. Several hundred political prisoners remain in prison, and religious intolerance has become a grave concern. A movement of extremist Buddhist nationalists led by monks has conducted a campaign of hatred and violence against Muslims. Since 2012, widespread violence against Muslims throughout the country has erupted periodically, and hate speech is used widely to incite anti-Muslim sentiment.

Parliament is currently considering a package of four bills aimed at the "protection of race and religion". The bills, which focus on religious conversions, inter-religious marriage, monogamy, and population control, were originally drafted by the Committee for the Protection of Religion and Nationality, known as 'Ma Ba Tha'. The bills were advocated by Buddhist monks, but were developed by a 12-member commission appointed by the President and submitted to Parliament last year.

Civil society in the Republic of the Union of Myanmar and the international community have opposed this legislation. The UN Special Rapporteur on Human Rights in Myanmar, Yangjee Lee, highlighted the "significant human rights concerns" relating to the proposed legislation on religious conversions and inter-faith marriage in a recent statement. She warned that the bills will "legalise discrimination, in particular against religious and ethnic minorities and against women". At the end of her recent visit to the country, she described the bill's proposed process for registering religious conversions as "onerous and potentially intimidating. The freedom to practice religion and to convert is a fundamental human right, a very personal one."

Existing laws are now used to prosecute people accused of insulting religion. In December 2014, New Zealand bar manager, Phil Blackwood, was arrested along with two Burmese colleagues and charged with insulting religion through promoting their Rangoon bar with an image of Buddha. In another case, Htin Lin Oo, a Buddhist author and former official of the National League for Democracy (NLD), was arrested and imprisoned for criticising extremist Buddhist monks for preaching hatred. He argued that religious intolerance spread by groups such as Ma Ba Tha contradicts Buddhism. For this he was charged with religious defamation under Article 295(a) and Article 298 of the Penal Code.

Persecution of the Muslim Rohingya people in Rakhine State is especially severe. The Rohingyas, despite living in the Republic of the Union of Myanmar for generations, are rendered stateless and unrecognized as citizens under the 1982 Citizenship Law. Since violence erupted in Rakhine State in 2012, thousands of Rohingyas have fled the country, risking their lives to cross the sea. They live in refugee camps with inadequate aid and no freedom of movement. The UN Under Secretary-General for Humanitarian Affairs, Valerie Amos, described the conditions as "dire" after her 2012 visit. International experts including former UN Special Rapporteur on Human Rights in Myanmar Tomas Ojea Quintana have noted signs of potential genocide.

Christians also face religious freedom violations. In January 2015, the authorities in Hakha, Chin State, ordered the destruction of a 54-foot cross on a hill, and is prosecuting a Chin elder, Tial Cem, for cutting down trees without permission. He is currently on trial and potentially faces up to two years in prison.

The situation in Kachin State is of very serious concern. In the past three and a half years, at least 100,000 civilians have been displaced, 200 villages attacked and 66 churches destroyed. Rape is used as a weapon of war. The Kachin Women's Association Thailand (KWAT) has documented over 70 cases of gang-rape, rape, and attempted sexual violence by army troops in Kachin and northern Shan states since June 2011. The Women's League of Burma published a new report last year, titled "If they had hope, they would speak", which documents 118 cases of sexual violence by the army since 2010. The most recent incident took place in January 2015, when two Kachin Christian women were

brutally raped and murdered in a church compound. The two women, Maran Lu Ra, 20, and Tanghau Hkawn Nan Tsin, 21, were teachers from Myitkyina working with the Kachin Baptist Convention. They were gang-raped and murdered at night on January 19 by Burma Army soldiers in Kawng Hka Shabuk village, Muse District, northern Shan State. According to CSW's sources, "The army troops came into the church ground where the girls were sleeping and raped and then beat them to death. Villagers nearby heard the girls screaming and when they went to check they saw the army boot prints and the raped and bloodied bodies of the dead girls… The church members went to the police in this area, but the police have taken no action."

In addition to addressing human rights violations, the Republic of the Union of Myanmar must seek a political solution to protect the future of ethnic nationalities, and the international community must prioritise this issue. While the government has begun ceasefire talks with some ethnic nationalities and secured preliminary agreements in some cases, this is insufficient to secure a genuine and lasting peace. A process of inclusive, nationwide dialogue involving the government, the democracy movement, and the ethnic nationalities must be established. Ceasefires that entail simply an absence of fighting will not secure real peace. The ethnic nationalities are clearly committed to the Republic of the Union of Myanmar and do not seek secession or independence, but autonomy and equal rights within a federal democracy. The international community must readily offer expertise to all sides and work to secure a genuine peace process involving political dialogue and a political settlement.

Since 1992, the UN General Assembly called on the government in the Republic of the Union of Myanmar to respect the Geneva Conventions. Since 1997, the UN General Assembly has requested inquiries into human rights violations. In its twenty-four resolutions, the General Assembly has detailed at least fifteen possible categories of war crimes and crimes against humanity perpetrated by the government. Recent resolutions have described the government's human rights abuses as "major and repeated violations of international humanitarian law".

Recommendations to the Human Rights Council

It is crucial that the international community sends a clear message to the government of the Republic of the Union of Myanmar that existing reforms are recognised and welcomed, and the President and other reformers should be encouraged to continue on this path, but that continuing violations of human rights are unacceptable, and necessitates a genuine peace process involving an inclusive, nationwide dialogue with the ethnic nationalities. The Jubilee Campaign and CSW therefore urge the Human Rights Council to:

1. Call for constitutional reform prior to the elections in 2015;
2. Urge the Government of the Republic of the Union of Myanmar to ensure free and fair elections in 2015, and to allow international monitors to observe the situation before and during elections;
3. Call for the establishment of an international, independent inquiry into the violence in Rakhine State and war crimes and crimes against humanity in Kachin State;
4. Urge the Government of the Republic of the Union of Myanmar to fully collaborate with the UN Special Rapporteur on the Situation of Human Rights in Myanmar and to invite the UN Special Rapporteur on Freedom of Religion and Belief to visit the country;
5. Urge the Government of the Republic of the Union of Myanmar to reject proposed legislation on religious conversions and inter-religious marriage, release those imprisoned for "insulting" Buddhism, and repeal Article 295(a) and Article 298 of the penal code;
6. Urge the Government of the Republic of the Union of Myanmar to take steps to prevent further religiously-motivated violence, intervene swiftly and effectively to stop violence where it occurs, protect religious minorities, address hate speech and incitement to hatred and violence, and promote freedom of religion or belief for all;
7. Call on the international community to provide urgently needed humanitarian assistance to internally displaced people in Kachin State;
8. Governmental Call on the international community to provide support to human rights defenders and civil society organisations working within the country and along its borders, documenting human rights violations and disseminating information;

9. Call on the international community to support civil society initiatives countering religious intolerance and promoting freedom of religion or belief and inter-faith dialogue in the Republic of the Union of Myanmar;

10. Call on the international community to seek unhindered access to all parts of the country for international Non-Organisations and human rights monitors.

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*Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement